

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1-20 and new claims 21-27 will be pending and further examination is requested.

Claims 4-13 as well as claims 14, 17 and 18, and also claim 20, are amended to eliminate improper multiple claim dependencies and, in the case of claim 2, to make one grammatical change.

Claim 1 is amended to clarify that the ink receptive substrate is one which is "suitable for use in inkjet printing" and to further make explicit that the porous polymer is ink receptive. Claims 14 and 15 are amended to change "applying" to "--printing--". Support for this language is found throughout the specification, in particular, page 11, lines 4-5; page 12, lines 34-35; and page 13, line 4.

Support for the new claims is found throughout the specification, particularly, page 12 and page 13 (especially line 10), and the examples.

Accordingly, no new matter is added.

The previous oral election of Group I, claims 1-13 is acknowledged. Reconsideration is respectfully requested.

All of the pending claims are concerned with the same general inventive concept, namely, ink receptive substrates and the use of such substrates in printing. Since the claims are all related and the inventive concept is novel over the prior art there is unity of invention between claims 1-13 of Group I, and claims 14-18 of Group II and claims 19-20 of Group III.

The newly added claims 21-26 further define the substrate of the elected claims (including, in the case of claim 26, the substrate printed by ink jet printing) and, therefore, belong with the election.

Claim 27 depends from process claim 18, therefore, belongs to Group II. However, upon rejoinder of the non-elected claims, claim 27 should also be examined and allowed.

The Objection to claims 4-13 is moot in view of the above amendments. Examination of these claims is respectfully requested.

Reconsideration and withdrawal of the rejection of claims 1-3 as anticipated by Dietz et al, US 5,674,561 (US 561) is respectfully requested for at least the following reasons.

First, as now made more explicitly clear, in the ink receptive substrate, at least the porous polymer layer is ink receptive. Accordingly, the Examiner's reliance on the alleged

inherent ink receptive backing materials for the tapes and bandages of the reference are not relevant to the ink receptive substrates of the present invention.

Indeed, by further making explicitly clear that the ink receptive substrates are "suitable for use in ink jet printing" even if only a recitation of an intended possible use, the invention is further distinguished from the pressure sensitive adhesive compositions and products, e.g., tapes, disclosed by Dietz et al US 561, since it is self-evident that pressure sensitive adhesive tapes would not be amenable to printing by ink jet printing (unless, perhaps, with a release layer over the pressure sensitive adhesive layer, which only goes to support that the pressure sensitive adhesive layer is not ink receptive).

Applicants additionally take exception to the assertion that the disclosure at column 33 (sic, column 4?), line 64, somehow suggests that this disclosure contemplates porous polymer layers from the microemulsion.

The disclosure at, e.g., column 4, lines 51-53, is that "Preferably, the PSA [pressure-sensitive adhesive] has a bicontinuous structure and even more preferably has two solid, substantially nonporous bicontinuous phases." At lines 65-67 it is explained that "substantially nonporous" is "specially distinguished from a porous structure on a micrometer level." This "preference" is further stated in column 5, lines 11-13: "Preferably, the polymerized microemulsion PSA is a solid, substantially nonporous bicontinuous polymeric material having pressure sensitive properties."

With all due respect, it is submitted that these disclosures would not have led the practitioner in the art to understand that a porous polymer layer would be obtained by polymerization of the microemulsion. In this case, the reference to "preferred" is without reference to any alternative non-preferred embodiments. It is equally plausible that the alternative to "substantially nonporous bicontinuous polymeric material having pressure sensitive property" is, e.g., a substantially nonporous two-phase continuous-discontinuous polymeric PSA material. Although the references to "preferably" include "pressure sensitive adhesive" it is certainly not suggested that the disclosure of US 561 intends to include other than PSA materials.

Even if (without conceding the point) the practitioner may come away with the idea that a porous polymer layer was not necessarily excluded, nothing in the disclosure of Dietz et al US 561, provides any description to teach the practitioner how to carry out the polymerization or to form the microemulsion, under conditions leading to a porous layer. The disclosure of Dietz et al US 561 is not enabling for production of a porous polymer layer.

For all of the above reasons, reconsideration and withdrawal of the rejection of claims 1-3 is respectfully requested.

Non-examined claim 8 recites a mordant in the microemulsion. This is not disclosed by US 561.

Non-examined claim 13 recites a block copolymer comprising hydrophobic blocks and hydrophilic blocks. This is not disclosed in US 561.

In addition, and without suggesting that any of the features of non-mentioned dependent claims are disclosed by US 561, new claims 21, 23, and 26, in particular, recite features which are not disclosed in US 561.

For the same reasons discussed with regard to US 561, the rejection of claims 1-3 as unpatentably obvious in view of Dietz et al, U.S. 5,670,557, should be withdrawn. In this regard, U.S. 5,670,557 issued from a cip of the same parent application of which US 561 was a continuation, and therefore, the disclosures are believed to be essentially the same, at least insofar as related to the presented application.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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